

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

HUNTER DOSTER, et al.,

Plaintiffs,

v.

FRANK KENDALL, et al.,

Defendants.

No. 1:22-cv-00084

Hon. Matthew W. McFarland

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully notify the Court of the decisions in *Davis v. Austin*, No. 3:22-cv-237, 2023 WL 4352444 (M.D. Fla. July 5, 2023) (claims brought by service members in the Department of the Air Force), and in *Bongiovanni v. Austin*, No. 3:22-cv-580, 2023 WL 4352445 (M.D. Fla. July 5, 2023) (claims brought by service members in the Department of the Navy). In those cases, a district court found challenges to the DoD vaccination requirement to be moot, dismissing religious freedom, due process, Administrative Procedure Act, and *ultra vires* claims. These opinions provide additional authority in support of Defendants' Renewed Motion to Dismiss, ECF No. 111.

Dated: July 6, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, I electronically filed the foregoing paper with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Zachary A. Avallone